

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL APPEAL No 453 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE D.G.KARIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
  2. To be referred to the Reporter or not?
  3. Whether Their Lordships wish to see the fair copy of the judgement?
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge?

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STATE OF GUJARAT

Versus

DILDARHUSEN RAHIMBHAI SHEIKH  
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Appearance:

Mr. M.A. Bukhari, Public Prosecutor for appellant.

MR H. N. Jhala, for Respondents.  
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CORAM : MR.JUSTICE D.G.KARIA

Date of decision: 26/06/96

#### ORAL JUDGEMENT

The State of Gujarat has filed this acquittal appeal against the judgment and order dated March 6, 1990 passed by the learned Metropolitan Magistrate, Court No.13, Ahmedabad in Criminal Case No.530/89. By the impugned order the learned Metropolitan Magistrate has acquitted the respondents accused persons for the offences under Sections 292-A of the I. P. Code read

with Section 114 of the I.P. Code and for the offences under Section 11(B)(3) of the Copy Right Act and under Section 6(B) 7 of the Cinemagraph Act, 1952.

2. Three respondents herein have been charged for the aforesaid offences, on the allegation that at about 23-45 hours on February 19, 1989 the accused no.1 issued tickets for recovery of some money from the accused no.2 and 3 and admitted the accused no.2 and 3 in the house No.1682 in Pathanwada in Ahmedabad for the purpose of exhibiting blue film wherein private parts of the human body were exhibited so as to exploit sexuality of the spectators. The accused persons are alleged to have committed the aforesaid offences. The charge Exh.3 on the basis of the aforesaid allegations was framed to which the accused persons pleaded not guilty. The learned Metropolitan Magistrate by the impugned order acquitted the accused persons observing that there was no evidence worth the name on record as the Panch witness Surendra Manilal has not supported the prosecution he was declared hostile. The prosecution did not examine any other witness so as to establish guilt of the accused persons.

3. Mr. M.A. Bukhari, learned A.P.P. appearing for the appellant State has not been able to show any infirmity in the impugned order. There is no evidence whatsoever to establish guilt against the accused persons.

4. There is no substance in the appeal. It deserves to be dismissed and is hereby dismissed.

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